



RECOMMENDED BILL EDITS

Senate Bill 350

By: Senators Unterman of the 45th, Millar of the 40th, Beach of the 21st, Shafer of the 48th,
Sims of the 12th and others

A BILL TO BE ENTITLED AN ACT

1 To amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the
2 Department of Human Services, so as to provide for the bidding out of child welfare services
3 state wide through contracts with community based providers; to provide for definitions; to
4 provide for qualifications for contractors; to provide for contract standards; to provide for a
5 review; to provide for procedures; to provide for related matters; to provide for a contingent
6 effective date; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department
11 of Human Services, is amended by adding a new article to read as follows:

12 **ARTICLE 3**

13 49-2-30.

14 (a) As used in this article, the term:

15 (1) 'Applicant' means a **non-profit**, faith based or community based organization that seeks to
16 provide child welfare services under this article.

17 (2) 'Child welfare services' means any or all services related to adoption, family preservation,
18 independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive
19 residential treatment, foster care supervision, case management, post-placement
20 supervision, permanent foster care, and family reunification.

21 (3) 'Division' means the Division of Family and Children Services.

22 (4) 'Lead agency' means a **non-profit**, faith based or community based agency selected **under** pursuant



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23 to this article to manage through a network of providers and provide the provision of child welfare services.

(5) 'Committee' means a task force of no more than 20 members composed of child welfare and youth advocates, division and provider representatives, juvenile court judges, faith based community, advocates and providers from the mental health system, representing the various regions across the state.

(6) 'Contractor' means a nationally accredited non-profit organization who contracts with the Division to serve a targeted population as defined by the Committee's plan.

24 (b) The Division shall submit a Committee-developed plan to the Governor and General Assembly to
25 competitively bid the provision of any or all of the child welfare services through either a fixed
26 price or at risk contracts with a limited number of contractors and lead agencies.

27 Each contractor or lead agency shall represent a community equal to one or more service-
28 regions of the division juvenile court districts or a specific and targeted population that is identified
29 through the plan by the committee. The plan shall be developed with local community participation,
30 including, but not limited to, input from community based providers, foster parents, members of
31 the faith community, former foster youth and youth advocates, and child advocacy organizations
that are currently under contract with the division that licensed by the Department or to furnish foster-
care and adoption services. The plan may allow for a further demonstration involving a statewide
lead agency model serving a targeted population.

32 (c) The plan shall be submitted by ~~January 1~~ July 1, 2015, and shall be phased in over a ~~two-~~
33 three-year period beginning July 1, October 1, 2015.

34 (e) No later than April 1, 2014, the Division shall seek approval of a child welfare
34 demonstration project through the federal Administration for Children and Families to
35 implement and receive fixed funding to accomplish any or all of the purposes of this article.

36 ~~49-2-31.~~

37 (a) To qualify to seek a contract under this article, an applicant shall have:

38 (1) The ability to manage and directly provide, or contract for through a local network
39 of providers, any or all necessary child welfare services. The contractor or lead agency shall directly provide

40 (i) no more than 25 percent of all family preservation services as defined by a percentage of the
total families served; (ii) no more than 25 percent of all foster care services as defined by a
percentage of the total children under 18 served; and (iii) no more than 25 percent of all
post-discharge, post-adoption and post-permanency services as defined by the total number
of children and youth served by the lead agency provided in the defined geographic area;

41 (2) The ability to ensure continuity of care from entry to exit for all children referred as defined by



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- 42 ~~from the protective investigation and court systems the committee's plan;~~
 43 (3) A Board of Director composition representing a minimum of three (5) Georgia residents and 3
 44 community members that are not under contract for the provision of any or all of the child welfare
 45 services identified in this Article.
- 43 (4) The capability and willingness to accept and demonstrate accountability for meeting
 44 the outcomes and performance standards related to child welfare services established by
 45 the General Assembly, and as dictated by the Administration for Children and Families (ACF);
 46 (4) The capability and willingness to serve all children referred from the protective
 47 investigation and court systems, or as defined by the committee's plan;
 48 (5) The willingness to ensure that each individual who provides who serves in a direct child welfare services
 49 care role within any of the child welfare services defined in this Article completes the training required
 50 by the division;
- 50 (6) The willingness to ensure that each individual who provides child welfare services has access
 51 to a centralized, statewide training component of the Division, and
 52 (7) The ability to assist the division in maintaining the state's eligibility to receive all
 53 federal child welfare Title IV-E, IV-B and PSSF funds currently being used by the division.
- 53 (b) Such contract shall be for five years, after which the division shall competitively rebid
 54 the contract. The division may extend the contract for an additional three-year period.
- 55 49-2-32
- 56 (a) The contract between the Division and lead agencies shall require the following:
 57 (1) Recording of contractor, subcontractor and lead agency activities in client case records for all cases;
 58 (2) Use of procedures by the parties to resolve differences in interpreting the contract or
 59 to resolve disputes as to the adequacy of the parties' compliance with their respective
 60 obligations under the contract;
 61 (3) Payment by the Division to the lead agency of a reasonable monthly administrative
 62 rate to operate the contractor or lead agency and a case rate per child calculated as the monthly average
 63 number of children served in the prior fiscal year divided by the total appropriated funds
 64 allocated for child welfare services during the same fiscal year. The case rate shall be
 65 paid in equal monthly payments over a period of time no greater than six months, starting
 66 the month the lead agency takes the child into care. Children who return to the contractor or lead
 67 agency's system of care within 12 months of achieving permanency,
 68 either through reunification, permanent guardianship, or adoption, shall be served by the
 69 contractor or lead agency but shall not be eligible for the rate per child per month reimbursement.



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70 methodology recommended by the committee. The method of payment in the contract shall provide
 71 for an two-month advance payment of the monthly administrative rate at the beginning of each fiscal-
 72 contract year and equal monthly payments of the remaining contract value thereafter;
 73 (4) Adherence to ACF nationally recognized child welfare performance outcome measures;
 74 (5) Inclusion of a case transfer process to determine the date that the lead agency will
 75 initiate services for a child and family. At the point of case transfer, the division shall
 76 provide a complete summary of its involvement with the child to include the reasons for
 77 referral to the lead agency; and
 78 (6) Authorization for the lead agency or a lead agency subcontractor who may have with case
 79 management responsibilities to act as the child's guardian for the purposes of enrolling
 80 in school and seeking emergency medical treatment for a child who has been sheltered
 81 or found to be dependent; provided, however, that if the child's parent's rights have been
 82 terminated, such lead agency or lead agency subcontractor shall act as the guardian of the
 83 child in all circumstances, unless the committee's plan specifies otherwise.
 84 (b) In contracting for the delivery of any of the functions of child welfare services, the division
 85 shall retain responsibility for the quality of contracted services and programs and shall ensure that
 86 services are delivered in accordance with applicable federal and state statutes and
 87 regulations.
 88 (c) The division shall adopt written policies and procedures for monitoring the contract for
 89 delivery of services as identified by the committee's plan by lead agencies. Such policies and
 90 procedures shall address, at a minimum 1) Evaluation of fiscal accountability and program
 91 operations, including contractor lead agency achievement of performance standards, lead agency
 92 monitoring of subcontractors, and timely follow-up of corrective actions for significant
 93 monitoring findings related to contractors, lead agencies and subcontractors;
 94 2) Reduction of the duplication of the division's program monitoring activities both
 95 internally and with other agencies, to the extent possible; and
 96 3) Communication of the written findings, conclusions, and recommendations from
 97 monitoring the contract for services of contractors and lead community based providers to
 98 the director of the contracted or lead agency, as expeditiously as possible.
 99 d) Persons employed by the division in the provision of child welfare services whose
 100 positions are being privatized under this article shall be given hiring preference by the
 101 contractors or lead agency if the employee meets the contractors or lead agency's qualifications.

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- 104 a) The division shall not transfer services to a contractor or lead agency until the division, in
 105 consultation with the local community, has determined and certified in writing to the
 106 Governor and General Assembly that the contractor and lead agency is prepared to deliver and be
 107 accountable for such services. In making such determination, the division shall conduct
 108 a readiness assessment of the region and contractor or lead agency. The assessment shall evaluate the
 109 operational readiness of the region, contractor and lead agency based on;
- 110 1) A set of uniform criteria developed in consultation with currently operating non-profit, faith
 111 based and community based organizations and reflecting national accreditation standards
 112 which evaluate programmatic, financial, technical assistance, training, and organizational
 113 competencies, and approved by the committee; and
- 114 2) Criteria reflective of the priorities of the local community.
- 115 b) A joint team of region, contractor, and lead agency staff, and with direct experience with the start up
 116 and operation of a community based service program, representatives from the
 117 appropriate local community in consultation with an independent outside party shall conduct the
 118 readiness assessment.
- 119 c) Upon completion of a readiness assessment, the assessment team shall conduct an exit
 120 conference with the region, contractor and lead agency staff responsible for the transition.
- 121 d) Within 30 days following the exit conference with staff of each region and lead agency,
 122 d) Within 30 days the time frame specified by the committee's plan following the exit conference
 123 with staff of each region and lead agency,
 124 the division shall certify in writing to the Governor and General Assembly that both the
 125 region, and contractor and/or lead agency are prepared to begin the transition of service provision based on
 126 the results of the readiness assessment and exit conference. The document of certification
 127 shall include specific evidence of readiness on each element of the readiness instrument
 128 utilized by the assessment team as well as a description of each element of readiness
 129 needing improvement and strategies being implemented to address each such element.
- 130 e) The Department of Audits and Accounts, in consultation with experts, shall review and
 131 assess the division's process for determining region and lead agency readiness. The review
 132 shall, at a minimum , address the appropriateness of the readiness criteria and instruments
 133 applied, the appropriateness of the qualifications of participants on each assessment team.
 134 the degree to which the division accurately determined each region and lead agency's
compliance with the readiness criteria, the quality of the technical assistance provided by
the division to a lead agency in correcting any weaknesses identified in the readiness
assessment, and the degree to which each lead agency overcame any identified weaknesses.



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135 f) Reports of such reviews shall be submitted to the General Assembly on January 1 and
 136 July 1 of each year until full transition to community based care has been accomplished
 137 state wide. ~~beginning on January 1, 2016~~. The perspectives of all participants in the review
 138 process shall be included in each report. Within the review, the Department of Audits and
 139 Accounts shall allow each ~~contractor or~~ lead agency to submit for inclusion responses to findings.

140 49-2-34

141 a) The division, in consultation with the ~~contractors and~~ lead agencies, shall establish a quality
 142 assurance program for competitively bid services. The quality assurance program shall be based on
 143 nationally recognized standards.

144 b) The division shall report to the public on a monthly basis each ~~contractor or~~ lead agency's
 145 performance on federal outcome measures and outcome measures established by the
 146 General Assembly. In addition, the report shall include data on the number of families
 147 served by the lead agencies in prevention ~~and preservation~~ programs, education outcomes of students in
 148 foster care, and key health measures for children in foster care. The report shall be made
 149 available, at a minimum, in a conspicuous location on the division's website.

150 c) The division shall, to the extent possible, use independent financial audits or ~~accreditation certification~~
 151 provided by the ~~contractor or~~ lead agency to eliminate or reduce the ongoing contract and
 152 administrative reviews conducted by the division. If the division determines that such independent
 153 financial audits are inadequate, other audits may be conducted as necessary by the division. Nothing in this
 154 article shall abrogate the requirements of Chapter 20 of Title 50.

155 d) The division may competitively bid programmatic, administrative, or fiscal oversight
 156 of ~~contractor and~~ lead agencies. The division shall accept the findings of existing evaluations,
 157 reports, and assessments provided by accrediting entities in lieu of requiring a state assessment
 158 if such assessments did not find any significant issues.

159 e) The division shall submit an annual report regarding quality performance, outcome
 160 measure attainment, and cost efficiency to the Governor and General Assembly no later
 161 than January 1 ~~31~~ of each year for each lead agency in operation during the preceding fiscal
 162 year. The division shall allow lead agencies to submit comments for inclusion into such
 163 report regarding the findings and recommendations contained in the report.

164 f) ~~Contractor and~~ Lead agencies shall be permitted to submit all programmatic, administrative,
 165 and fiscal materials in digital format.

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167 This article shall become effective **only** if the Administration for Children and Families of
168 the United States Department of Health and Human Services approves a federal title IV-E
169 waiver demonstration project and the resulting fixed funding is received for **any of** the purposes
170 of this article. If such approval and funding is received, then this article shall become
171 effective on the date on which such approval and funding becomes effective **and expires at the**
expiration of the approved waiver.

172 Section 2.

173 This Act shall become effective upon its approval by the Governor or upon its becoming law
174 without such approval.

175 Section 3.

176 All laws and parts of laws in conflict with this Act are repealed.